

April 19, 2011

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

SIMON ARON (SBN 108183)
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The following constitutes the
Order of the Court. Signed _____ 20__

Attorneys for Lone Oak Fund, LLC

Not signed.

HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

*Was this
Succeeded
by hearing of
3/28/11?*

In re

BENYAM MULUGETA AND PAULA
R. MULUGETA,

Debtors.

) Case No. 09-51900-ASW

) Chapter 11

) **ORDER FOR ADEQUATE PROTECTION**
) **RE HARRISON PROPERTY**

) Hearing:

) Date: March 3, 2011

) Time: 4:00 p.m.

) Place: Courtroom 3020

) 280 S. 1st Street

) San Jose, CA 95113

*Copies of minutes
attached.*

ASW

4/17/11

Hearings on the amended motion to sell real property "Harrison" free and clear of liens of debtors Benyman and Paula Mulugeta (collectively the "Debtors"), the emergency motion of secured creditor Lone Oak Fund, LLC ("Lone Oak") for order enforcing stipulation and for order terminating the automatic stay, Sterling Savings Bank's motion for relief from the stay regarding

1 240 East O'Keefe, Palo Alto, California 94303, Sterling Savings Bank's motion for relief from
2 the stay regarding 353 Grand Avenue, Oakland, California 94601, and Deutsche Bank National
3 Trust Company's motion for relief from the stay came on for hearing in the above-noted case
4 before the undersigned United States Bankruptcy Judge on March 3, 2011, at 4:00 p.m.

5 The Debtors appeared in pro per. Edward C. MacDonald, Jr., Esq., of Adelson, Hess &
6 Kelly, APC, appeared on behalf of Sequoia Mortgage Fund. Simon Aron, Esq., of Wolf, Rifkin,
7 Shapiro, Schulman & Rabkin, LLP, appeared on behalf of Lone Oak. John Wesolowski, Esq.,
8 appeared on behalf of the Office of the United States Trustee. John W. Strate, Esq., Office of the
9 Chief Counsel appeared on behalf of the Internal Revenue Service. J. Robert Taylor, Esq.,
10 appeared on behalf of Real Estate Service Money Purchase Pension Trust, Stefanie A. Schiff,
11 Esq. of Pite Duncan, LLP, appeared on behalf of Deutsch Bank National Trust Company. Rachel
12 K. Stevenson, Esq., of Abbey, Weitzenberg, Hoffman, Warren, et. al., appeared on behalf
13 Sterling Savings Bank. Trading Spaces, LLC, the proposed buyer of the Harrison Property
14 appeared by and through Gary G. Gornick ("Gornick"), its managing member. Other
15 appearances, if any, were noted on the record.

16 Court having read and considered the pleadings and other papers on file in the Debtors'
17 case and and having heard and considered the limited testimony of Gornick, as well as the
18 statements, representations and arguments of the parties appearing, and good cause appearing
19 therefore,

20 **IT IS HEREBY ORDERED AS FOLLOWS:**

21 1. On fifteenth (15th) day of March , April and May, 2011, Debtors shall pay to Lone
22 Oak the aggregate amount of \$22,000.00, by delivering that amount in good funds to Lone Oak's
23 counsel of record at the address listed on the first page on this Order; If any such payment is not
24 actually received by Lone Oak's counsel by the fifteenth (15th) day of March, April or May, 2011,
25 the Court shall grant relief from the automatic stay pursuant to a declaration of Lone Oak's
26 counsel that such payment has not been timely made.

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1 2. Commencing in April, 2011, Debtors shall pay monthly to the Alameda County
2 Tax Collector the amount of \$5,000 for real property taxes owed against the Harrison Property.

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4 # # END OF ORDER # #
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COURT SERVICE LIST

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March 3, 2011

Hearing Held (RE: related document(s) 362 Motion to Enforce Stipulation and for Order for Relief From the Stay WITH DECLARATION OF SIMON ARON AND SAMANTHA SIMONS. Filed by Requestor Lone Oak Fund, LLC). 90 day order articulated on record. Debtor to pay \$22,000 to Lone Oak by 3/15/11. By 3/31/11 debtor to file stipulation providing for payments starting in April of \$5000 per month to taxing authorities. Written schedule of tax installments signed by taxing authority to be filed with the court. Mr. Aron to prepare order. (be) (Entered: 03/24/2011)

March 28, 2011

Hearing Held (related document(s): 362 Motion Miscellaneous Relief) Denied for reasons stated on the record. Counsel for movant to submit order. (bg) (Entered: 03/29/2011)